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17157 U.S. PTO

Patent  
109934-85 PTO

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No.: 109934-85  
First Named Inventor: TONCICH, Stanley S.  
Prior Application Information:  
Serial No. 10/120,646  
Examiner: D. Takaoka  
Art Unit: 2817

Mail Stop Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### FILING UNDER 37 CFR § 1.53(b)

This is a request for filing for a

continuation       divisional       continuation-in-part (CIP)

application under 37 CFR § 1.53(b) of pending prior application Serial No. 10/120,646, filed on April 10, 2002, which claims the benefit of U.S. Provisional Application 60/283,093, filed on April 11, 2001, by:

**Stanley S. Toncich, entitled:  
BAND SWITCHABLE FILTER**

The entire disclosure of the pending prior application Serial No. 10/120,646, from which an oath or declaration is supplied, is considered a part of the disclosure of the accompanying continuation application and is hereby incorporated by reference.

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### CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Commissioner for Patents, Mail Stop Patent Application, P.O. Box 1450; Alexandria, VA 22313-1450.

EV361 351 848 US  
Express Mail Label No.

March 19, 2004  
Date of Deposit

Karen M. Cruz  
Name of Person Mailing Paper

KMC  
Signature of Person Mailing Paper

**I. APPLICATION ELEMENTS ENCLOSED**

21 Page(s) of Written Description

3 Page(s) of Claims

1 Page(s) of Abstract

7 Sheet(s) of Drawings  formal  informal

2 Page(s) of  Declaration or  Declaration and Power of Attorney

Copy from prior application [37 CFR §1.63(d)]

Newly executed

Page(s)  Other:

Assignment papers (cover sheet and documents(s))

An Information Disclosure Statement, PTO 1449,  with copies of cited items.

Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i). Applicant must attach form PTO/SB/35

Preliminary Amendment

**II. FEE CALCULATION**

Applicant claims small entity status under 37 CFR 1.27.

<b>BASIC FILING FEE:</b>						770.00
Total Claims	18	-	20	=	0	x \$18.00
Independent Claims	2	-	3	=	0	x \$84.00
Multiple Dependent Claims	(if applicable)				<input type="checkbox"/>	\$0.00
<b>TOTAL OF ABOVE CALCULATIONS</b>						\$770.00
Reduction by ½ for Filing by Small Entity.					<input type="checkbox"/>	\$0.00
Misc. Filing Fees (Recordation of Assignment)						\$40.00
Petition to Make Special						\$0.00
<b>TOTAL FEES DUE HEREWITH</b>						\$810.00

**III. PRIORITY - 35 USC § 119**

Priority of applications Serial No. \_\_\_\_\_ filed on \_\_\_\_\_, is claimed under 35 USC § 119.

The certified copy has been filed in prior U.S. application Serial No. \_\_\_\_\_ on \_\_\_\_\_.

The certified copy will follow.

**IV. AMENDMENTS**

- Cancel in this application original claims \_\_\_\_ of the prior application before calculating the Filing Fee. (At least one original independent claim must be retained for filing purposes if no new claims are added in a Preliminary Amendment.)
- A Preliminary Amendment is enclosed. (Claims added by Amendment must be numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
- Please amend the specification as follows:

This is a continuation application of prior application Serial No. 10/120,646, filed on April 10, 2002 which claims the benefit of U.S. Provisional Application 60/283,093, filed on April 11, 2001.

**V. RELATE BACK - 35 USC § 120**

- With respect to the prior co-pending U.S. application from which this application claims benefit under 35 USC § 120, the inventor(s) in this application is (are) [37 CFR 1.53(b)(1)]:
  - the same.
  - less than those named in the prior application and it is requested that the following inventor(s) identified above for the prior application be deleted [see 37 CFR §§1.33(b) AND 1.63(d)(2)]:  
.....

**VI. METHOD OF PAYMENT OF FEES**

- Attached is a check in the amount of \$0.00.
- Charge Procopio, Cory, Hargreaves & Savitch's Deposit Account No. 50-2075 in the amount of \$\_.
- Not attached. No filing fee is submitted. [This and the surcharge required by 37 CFR § 1.16(e) can be paid subsequently.]

**VII. AUTHORIZATION TO CHARGE ADDITIONAL FEES**

The Commissioner is hereby authorized to credit any over payment of fees and charge any underpayment of fees to Procopio, Cory, Hargreaves & Savitch's Deposit Account No. 50-2075.

**VIII. POWER OF ATTORNEY & CORRESPONDENCE ADDRESS**

The power appears in the original papers in the prior application.

The power does not appear in the original papers, but was filed on \_\_\_\_\_ in prior application Serial No. \_\_\_\_\_.

A new power has been executed and is attached.

Please send all correspondence to Customer Number 27189:

PROCOPIO, CORY, HARGREAVES  
& SAVITCH  
530 B Street, Suite 2100  
San Diego, CA 92101-4469  
(619) 238-1900

Please direct all inquiries to Troy M. Schmelzer, at the above Customer Number.

**IX. MAINTENANCE OF CO-PENDENCY OF PRIOR APPLICATION**

A petition, fee and response has been filed to extend the term in the pending **prior** application until \_\_\_\_\_. A copy of the petition for extension of time in the **prior** application is attached.

A conditional petition for extension of time is being filed in the pending **prior** application. A copy of the conditional petition for extension of time in the **prior** application is attached.

**X. ABANDONMENT OF PRIOR APPLICATION**

Please abandon the prior application at a time while the prior application is pending or when the petition for extension of time or to revive in that application is granted and when this application is granted a filing date so as to make this application co-pending with said prior application. At the same time, please add the words "now abandoned" to the amendment of the specification set forth in Item V above.

Respectfully submitted,

PROCOPIO, CORY HARGREAVES  
& SAVITCH LLP

Dated: 3/19/04

By:   
Troy M. Schmelzer  
Reg. No. 36,667

Assignee:

Kyocera Wireless Corp

Assignment filed in PTO June 26, 2002